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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,990	08/08/2001	Huibert Den Boer	PHN 15,813B	5411

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT PAPER NUMBER

2136

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,990

Applicant(s)

DEN BOER, HUIBERT

Examiner

Pramila Parthasarathy

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 23-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) -
Paper No(s)/Mail Date. <u>11/18/2005</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The substitute specification filed on 09/23/2005 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: the statement as to a lack of new matter under 37 CFR 1.125(b) is missing.

Terminal Disclaimer

2. The terminal disclaimer filed on 9/23/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 6,298,136 (08/859591) has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

3. Applicant's arguments regarding 35 U.S.C. 112 rejections filed 9/23/2005 have been fully considered but they are not persuasive.

Regarding Claim 30, applicant argues that “the term concatenate is a well known English Language word that, for example, means to link two or more information units”, “a synonym for concatenate is merge” and states that “in the interest of expediting allowance, the specification is amended here to state that “...the swapped sub-blocks are concatenated to form a single result.”.

Examiner agrees with the applicant that the concatenate means “to link two or more information units” and further states that “concatenate is to connect or link in a series or chain” while merge means “to combine or unite”, for example merging two sets of data means “to blend together, especially in a gradual stages”. Examiner also provides definitions to clarify the differences between concatenate and merge.

“Concatenate: Computer manuals often refer to the process of *concatenating strings*, a string being any series of characters. You can also concatenate files by appending one to another.” and “merge: (1) To combine two files in such a way that the resulting file has the same organization as the two individual files. For example, if two files contain a list of names in alphabetical order, merging the two files results in one large file with all the names still in alphabetical order. Note that merge is different from append. Append means to combine two files by adding one of them to the end of the other. {Source: Microsoft Computer Dictionary Fifth Edition and Webopedia.com}

Applicant argues that “this term was used in the Application as filed, such as in originally filed Claim 10 [Application number 08/859591], and the specification is amended to state that “... the swapped sub-blocks are concatenated to form a single result”. Examiner would like to remind the applicant that the instant application will be examined solely on its own merits and the specification provided at the time of filing along with properly submitted amendments to the specification with no new matter introduced in such subsequent amendments to the specification. Examiner respectfully maintains rejection.

Regarding Claims 23 – 35 and 38 – 40, applicant argues, “Acceptability of the Claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification”. Examiner agrees with the applicant and directs to the instant application paragraphs [0035 and 0038] to reiterate the term substantially has no support in the specification with respect to “for splitting selected part M1 or first key, substantially having equal length”. Specification explicitly discloses splitting into any length with each split being exactly in equal length. Examiner respectfully maintains rejection.

Regarding Claims 36 – 40, applicant argues, “it is not clear how a claim for a processor having inputs or processing portions is not a sufficient recital of structure”. Examiner would like to direct to the instant application paragraphs [0035] for clarifying how claimed input means and cryptographic processing means are disclosed and an

input or processing portion is not defined either in the specification or in the remarks/amendment.

Examiner further states although the claims are interpreted in the light of specification, limitations from the specification are not read into the claims. See *In re Van Genus*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner respectfully maintains rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The new Claim 30 read, " ... concatenating the swapped sub-blocks."

With respect to "concatenating", although the specification discloses merging selected part of sub-blocks, the specification does not disclose a program segment concatenating the swapped sub-blocks. The specification does not indicate how the sub-blocks are concatenated. Applicant's remarks (filed on 8/8/2001) do not clarify the program segment concatenating the swapped sub-blocks.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 23 – 35 and 38 – 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantially" in claims 23, 24, 27 and 38 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

For examining purposes, "substantially having equal length" is broadly interpreted as "having any length".

Dependent claims 25, 26, 28 – 35, 39 and 40 are rejected at least by the virtue of their dependency on the dependent claims.

6. Claims 36 – 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 36 recites "A processor for ... a first input for obtaining ..., a second input for obtaining ..., a cryptographic processing portion". The word(s) "input" and "processing" should have "means" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no "means" is specified by the word(s) "input" or "processing" it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph.

For examining purposes, "input for obtaining" is broadly interpreted as "input means for obtaining" and "cryptographic processing portion" is broadly interpreted as "cryptographic processing means for processing".

8. Claim 37 recites "A processor for ... a third input for obtaining ..., ". The word "input" should have "means" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no "means" is specified by the word "input" it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph.

For examining purposes, "input for obtaining" is broadly interpreted as "input means for obtaining" and "cryptographic processing portion" is broadly interpreted as "cryptographic processing means for processing".

Dependent claims 37 – 40 are rejected at least by the virtue of their dependency on the dependent claims.

Conclusion

9. This application is in condition for allowance except for the following formal matters: Claim 30 rejected under 35 U.S.C. 112, first paragraph and Claims 23 – 40 rejected under 35 U.S.C. 112, second paragraph.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Art Unit: 2136

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

November 18, 2005.


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100